

**JOHN ALLEN MUHAMMAD, DOCUMENT FRAUD,
AND THE WESTERN HEMISPHERE PASSPORT
EXCEPTION**

HEARING
BEFORE THE
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS
OF THE
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JOHN ALLEN MUHAMMAD, DOCUMENT FRAUD, AND THE WESTERN HEMISPHERE PASSPORT EXCEPTION

TUESDAY, MAY 13, 2003

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:05 p.m., in Room 2237, Rayburn House Office Building, Hon. John N. Hostettler (Chairman of the Subcommittee) presiding.

Mr. HOSTETTLER. The Subcommittee will come to order.

In the autumn of 2002, the Nation was shocked by a wave of shootings in the National Capital area. In a spree that lasted from October 2, 2002 through October 22, 2002, 13 people were shot, 10 of whom died from their wounds.

On Thursday, October 24, 2002, troopers from the Maryland State Police and other law enforcement officials arrested two individuals—John Muhammad and Lee Boyd Malvo—outside Frederick, MD. The pair have subsequently been charged under multiple indictments in connection with those shootings.

As the news of the arrests and the names of the suspects was broadcast worldwide, the Government of Antigua and Barbuda recognized that Muhammad and Malvo had been residents in that country. They determined also that Muhammad had received an Antiguan passport despite being a U.S. citizen.

On October 28, 2002, the Attorney General of Antigua and Barbuda appointed a task force to look into the activities of Muhammad and Malvo while in Antigua. The task force was headed by Antiguan attorney John Fuller.

On December 31, 2002, Mr. Fuller's task force released its support. He has graciously agreed to come to Washington and discuss the findings of that task force with the Subcommittee today, and we are appreciative, Mr. Fuller.

In its final report, the task force found that Muhammad needed money to support himself in Antigua and turned to forgery. In particular, the task force concluded that Muhammad had found what it termed "a fertile market," primarily among Jamaican nationals, in forged U.S. documents.

Specifically, Mr. Fuller states in his testimony Muhammad produced and sold U.S. driver's licenses with photographs and corresponding birth certificates.

The question becomes why Jamaicans in Antigua would want fraudulent U.S. identification documents. The answer has to do with a State Department regulation applicable to citizens traveling within the Western Hemisphere.

The Immigration and Nationality Act provides that it is unlawful for U.S. citizens to depart from or enter the United States without a valid United States passport. The Act states, however, that the Government can prescribe exceptions to this rule. One of the exceptions that the State Department has established to this rule is known as the Western Hemisphere exception. This allows U.S. citizens to re-enter the United States without a passport when returning from a trip to another country in North, South, or Central America, except Cuba.

Citizens returning from these countries may re-enter the United States by presenting secondary documents evidencing citizenship, such as birth certificate or baptismal certificate, accompanied by a driver's license.

By exploiting this exception, an alien with fraudulent documents can enter the United States by making a false claim to citizenship. This exception would provide an unscrupulous document vendor with an opportunity to make money by selling fraudulent documents to aliens who want to come to the United States, as the task force was told Muhammad did, for \$3,000 per set.

At a January 2003 hearing before the Senate Finance Committee, Robert Cramer from the GAO's Office of Special Investigations described how easy it was for travelers to enter the United States using counterfeit documents and aliases. Mr. Cramer and his agents created fictitious driver's licenses and birth certificates containing aliases using widely-available computer software. The agents then presented those documents at ports of entry along the Canadian and Mexican borders and entering from Jamaica.

The INS and Customs Service officials to whom those documents were presented never questioned the authenticity of those documents, and the agents presenting those documents encountered no difficulty using them.

Since the Office of Special Investigations ran that operation, the INS and Customs Service have been merged into the same department—the Department of Homeland Security. Immigration and Customs inspectors are now together in the Bureau of Customs and Border Protection, or BCBP.

To assess whether our Nation's immigration inspectors had improved or were able to improve their review of secondary travel documents in the wake of the GAO's disclosures before the Senate Finance Committee, I asked the Comptroller General to send out the agents from the Office of Special Investigations to try to enter the United States with counterfeit documents again.

Given the revelations in the task force report about document fraud in the Caribbean, the agents agreed to attempt entry into the United States from Barbados. At the U.S. port of entry, one of those agents was allowed to enter the United States after presenting a fictitious birth certificate and a counterfeit driver's license. The other was allowed to enter after providing only a counterfeit birth certificate.

Mr. Cramer is with us today with a couple of his agents to discuss these two operations as well as their conclusions following those operations.

To blame the individual inspectors or immigration inspectors as a whole for the fact that these agents were able to enter the United States with counterfeit documents would ignore a much larger issue. Because of the Western Hemisphere passport exception, a person claiming to be a U.S. citizen can present any of thousands of documents to re-enter the United States rather than presenting one document—a U.S. passport.

Specifically, there are more than 240 different types of valid driver's licenses issued within the United States, and more than 50,000 different versions of birth certificates are issued by U.S. States, counties, and municipalities.

Even excluding baptismal records, it is doubtful that anyone could have even a passing familiarity with, let alone a working knowledge of, each and every one of these documents.

Technology has compounded the difficulties facing the inspectors at our ports who are charged with reviewing identity documents from returning U.S. citizens. That technology allows forgers and counterfeiters to produce high-quality fake birth certificates and driver's licenses with off-the-shelf software programs and materials.

I like to believe that our inspectors at the ports of entry are supremely vigilant as they review the documents presented by hundreds of travelers each day. The high-quality nature of fake identification documents could, however, make them indistinguishable from the real thing unless the inspector has sensitive instruments and sufficient time to examine them. Our inspectors unfortunately have neither the time nor the advanced electronics readily available, as anyone can see who travels through U.S. ports of entry from abroad.

The seriousness of this problem cannot be understated. Although nothing in the task force report suggests that the aliens who purportedly purchased documents from Muhammad wanted to come to the United States for anything other than economic reasons, their example is indicative of a vulnerability that could be exploited by terrorists, criminals, and others coming to the United States with more malevolent intentions.

As this Subcommittee has learned from its investigations since September 11, alien terrorists are adept at identifying and taking advantage of the weaknesses in our immigration system. The passport exception would appear to present such a weakness.

We will review the findings of Mr. Fuller's task force and the GAO and assess whether some modification to the Western Hemisphere exception to the passport requirement, or the implementation of that exception, is necessary to protect the American people from those who would come to the United States to do them harm.

There is one point that I want to make before proceeding. In order to protect the ongoing prosecutions of Mr. Muhammad in the United States, no one directly involved in those prosecutions will be appearing before this Subcommittee today. The witnesses on the panel are not qualified to answer questions about any aspect of the U.S. sniper investigation, and I would ask the Members of this

Subcommittee not to ask any questions about that investigation or the ongoing prosecutions.

I now turn to the Ranking Member, Ms. Jackson Lee, for any opening statement she would like to make.

Ms. JACKSON LEE. Good afternoon. Good afternoon, Mr. Chairman, and to the panelists.

I do want to for the record again note the interest of the Members of the Subcommittee Democrats and note that travel logistics are continuously a hazard. Three of these Members are from California; it makes it very difficult to arrive at this time. I am hoping that their interest in this issue will be acknowledged and that we will be able to provide further opportunity for them to be able to attend these hearings.

Let me first of all, Mr. Chairman, offer my deepest sympathy to the families of those Americans and others who are subjected or were subjected to the weekend violence in Saudi Arabia. What it emphasizes is that terrorism is not dead, and this hearing certainly is important, but I might challenge whether it is the most important challenge that we have with respect to terrorism around the world and terrorism against Americans. I would argue not.

I would argue that Jamaicans do not represent a terrorist threat against the United States nor the Caribbean. I do believe that we need to work with the Caribbean heads of state as a travel—or, an effort that was engaged in with Congressman Souder I think either this last August or the August before. We traveled to several Caribbean countries who were begging to engage with the United States in a more frank and collaborative way to ensure that we wage a collective and collaborative war against terrorism.

This issue before us, as I said, is an important issue, but it is not the most important issue before this Nation and before this Congress—document fraud as relates to individuals from the Caribbean. And I would argue that we have had very important collaborative relations, strong tourism, between the Caribbean and the United States.

Might I just offer a speculative comment about the fact that we have used driver's licenses and birth certificates—why? Because Americans have enjoyed the flexibility of a getaway, a getaway to the beauty of the Caribbean and the ability to make that decision at 12 noon on Thursday and fly out on Friday.

So I would wonder as we are proceeding—it is important to have this report—but we must understand and prioritize what our priorities are. We have a fight against Al Qaeda in this world today, and we had better get to it. Frankly, talking about documents that happen to be fraudulent as we do with fraudulent documents here in the United States is not going to keep us safe.

Mr. Chairman, I do not have a xerox, but I would ask unanimous consent to put this picture into the record, and I will read the caption for my colleagues. "Long Ride for Short Legs. Mitchell Hinsher, 7, from Niagara Falls, Ontario, rode his bike across the United States-Canada border Saturday undetected by U.S. Customs officials. His nearly 8.5-mile journey ended at a busy intersection in Niagara Falls, New York."

This is among the challenges that we have. So as I begin, Mr. Chairman, I am going to ask that my entire statement be put in

the record, but I begin by saying that John Allen Muhammad produced more than 20 sets of fraudulent United States driver's licenses with photographs and corresponding birth certificates. He sold them to Jamaican nationals, who used them to enter the United States as American citizens.

According to John Fuller, who investigated Muhammad, the production of these documents was not extremely difficult and did not require sophisticated skills. Muhammad just needed a computer, a scanner, a template for the driver's license and for the birth certificate, a photograph, a laminating machine, and a careless immigration officer.

Robert Cramer from the General Accounting Office will discuss the results of a January 30, 2003 report on a project that was performed at the request of the Senate Committee on Finance. The Finance Committee was concerned about the illegal transportation of currency throughout borders, especially counterfeit money and terrorism funds. It asked the agents of the Office of Special Investigations at GAO to attempt to enter the United States from Canada, Mexico, and Jamaica at land, air, and sea points of entry using fictitious identifies and counterfeit identification document.

The report to the Senate Committee concludes that 1) people who enter the United States are not always asked to present identification; 2) security to prevent unauthorized persons from entering the United States from Canada is inadequate at the border park they visited; and 3) immigration inspectors are not readily capable of detecting counterfeit documents.

In February of 2003, the Inspector General of the Justice Department issued a similar report. Unfortunately, we cannot discuss the substance of this report. The only part of the Inspector General's report that can be discussed in public is the executive summary. According to the executive summary, the capability of immigration inspectors to analyze advance passenger information to identify high-risk and inadmissible travelers is limited by a lack of adequate resources.

The lookout system for spotting high-risk and inadmissible travelers does not always provide primary inspectors with available critical information. Primary inspectors were not always carrying lookout databases as required, and controls were not sufficient to ensure that all primary inspectors and supervisors could assess backup information in the event of system outages.

The report concludes that although \$19 million was used in fiscal year 2002 to provide basic training to approximately 1,000 new immigration inspectors, the training was inadequate in two important areas, Mr. Chairman and to the Committee—on the use of the computer systems that provide lookouts and other critical information and on terrorism awareness.

I recognize the urgent need to address these problems, but I want to emphasize that we need to proceed with caution. A sledgehammer approach to border security in this instance could adversely affect our economy. Visiting international tourists and business entrepreneurs are a valuable component of our Nation's economy, and we have had a longstanding relationship with the Caribbean. Last year, more than 41 million international visitors gen-

erated \$88 billion in expenditures and accounted for more than one million jobs nationwide.

We need to address the fundamental weakness in our border security system that allowed this system to develop, give our inspectors more training as to how to review these new technological inventions that will make these documents sight-proof.

For instance, it is apparent that our immigration inspectors have not received sufficient training on identifying fraudulent documents, which should not be difficult to provide. Also, I note from personal experience that there is a serious problem with the recruitment and retention of immigration inspectors. It is common for the immigration inspection stations at Houston International Airport to be understaffed. Making matters worse, many of the inspectors at those stations are inexperienced, and I believe that these and other fundamental weaknesses in our border security system can be addressed legislatively.

I introduced a Border Patrol Recruitment and Retention Act in a previous Congress. An updated version of this bill could include immigration inspectors and Customs agents as well as training as it relates to these types of documents. I solicit the Chairman's collaborative effort on this, and in addition to providing assistance with recruitment and retention issues, such a bill could provide urgently needed additional resources for training and technology.

Mr. Chairman, as I said, this is an important hearing. We have many additional challenges. Let us not implode the relationship between the Caribbean and the United States on the basis of 20 documents by Mr. Muhammad. Let us find a way to compromise and reach the right kind of solution that does not deny a good portion of the minority population in the Northern Hemisphere access to the United States and likewise, Americans access to the Caribbean.

With that, Mr. Chairman, I yield back, and I thank you for indulging me on this particular time.

Mr. HOSTETTLER. I thank the gentlelady.

Do any other Members of the Subcommittee wish for opening statements?

The chair recognizes the gentleman from Texas, Mr. Smith.

Mr. SMITH. Mr. Chairman, would you prefer we not make opening statements, or do you want brief opening statements, or none at all?

Mr. HOSTETTLER. The chair is open to opening statements.

Mr. SMITH. Okay. I will keep it within my time period.

Mr. Chairman, I just want to thank you again for having a very timely and important hearing. You have had a number this year; you are very active as Chairman, and those of us interested in immigration issues appreciate your leadership on this and many other issues.

The sniper case to me is instructive for one very important reason, and that is that it shows how easy it is for someone to gain entry to the United States and who is not authorized to come in. When we have a situation where it is so easy to come in illegally, as has been demonstrated, that is a threat to our national security, it is a threat to the American people, and it is a threat to our system of laws, and I think that is one of the things that you want to address here today.

And it strikes me that I have always thought that I was more confident today than, say, I was 6 months ago that it was more difficult to get into the country illegally than previously. After reading the memo prepared by the Subcommittee staff, after reading the testimony of the witnesses today, I have to say I am not near as confident as I was that it is more difficult, and that we really are deterring people from coming into the country illegally.

When it is as easy to get the two documents you need, for example—a driver's license and a birth certificate—as it demonstrably is, and when you have so many different kinds of varieties that cannot be validated and cannot be authenticated, it is really an open invitation to anybody with any degree of savvy to come into the country illegally if they want to and do us harm or take advantage of us in any of the number of ways that we know is possible.

It also strikes me, as we have also read in the testimony today, that the States today—and there are a number of States who have already authorized the issuing of driver's licenses to illegal aliens, and there are other States who are contemplating that move—what they are doing is making it a lot easier for someone to come into the country illegally. What they are doing is providing one of the two documents necessary to someone coming into the country illegally to use to prove that they are here and can go about their business even though they are actually here illegally. And that is very discouraging.

It strikes me that those States are knowingly contributing not only to illegal immigration but knowingly contributing to making it easier for someone to come into the country who might well endanger American lives. And I hope that one of the messages that is sent by our witnesses today and by some of the comments that we may have is that States who are contemplating issuing driver's licenses to illegal aliens or those who have already done so ought to rethink what they have done if in fact they care about the safety of American citizens and if in fact they want to not encourage illegal immigration.

One of the solutions I think we might get to is the fact that we need some kind of standardized form for driver's licenses and for birth certificates so, as the Chairman pointed out in his opening statement, we do not have thousands of different varieties out there.

It so happens that that was a part of our 1996 Immigration Reform Act, and unfortunately that provision calling for standardization of driver's licenses and birth certificates was repealed in 1999. I think in retrospect that looks like a major mistake on the part of Congress, and I hope that that is something we might consider revisiting.

So, Mr. Chairman, let me say again that already this hearing has been worthwhile because already it has pointed out on the basis of the testimony that we have how easy it is for someone to come into the country illegally, and again, I thank you for having the hearing.

Mr. HOSTETTLER. The gentleman's time has expired.

Any other opening statements?

Mr. King—the chair recognizes the gentleman from Iowa.

Mr. KING. Thank you, Mr. Chairman.

I too thank you for holding these hearings today and appreciate the participation of the panelists and the Members of this Subcommittee.

I want to listen to your testimony and try to look at this within the broader context of why we have immigration laws in the first place. There is a long history with national sovereignty and secure borders and citizenship, and if we look back through the history of the United States and nearly every other successful country, it is a requirement to maintain your sovereignty to be able to maintain a secure border, and that is for a number of reasons. One of them is from a national security standpoint, not just terrorism, but infiltrators from other perspectives. Another one is control of disease; that has been an historical reason why we have had controlled borders and controlled immigration. Another reason is that all nations must maintain some form of cultural continuity.

Those are all broad national agendas that are not just unique to the United States of America but essentially generally apply to every successful country throughout all of history.

So to measure those things—our economic standards, our military security, our national security, and our cultural continuity—to measure that against the convenience of travelers, I think the convenience of travelers fades in comparison. Do we want to open our borders to the entire Western Hemisphere is involved in this discussion, not just our communications with one particular nation. This Nation is at risk for not just terrorists but, say, the next typhoid Mary or the next maybe “anthrax Andy” that could come in. And as soon as they know where the soft spot is, that is what they will use.

Well, that is the thrust of this hearing as I understand it, is to look and see where our soft spots are and see what we need to do to tighten up our borders and maintain that national security, still be able to maintain. We have technology that we can use, and we need to go down that path wherever we can, and I am certainly in favor of establishing those border controls that allow for the use of that technology especially for those consistent travelers. I want to provide for that kind of convenience, but I do not want to sacrifice the security of the United States of America for that.

If we are only addressing terrorism as opposed to sometimes the quality of the people who come in and the numbers of immigrants who come in—if you remember the Mariel boatlift and the load that that put on our security within our borders and on our law enforcement people—if we have that going on on a regular basis, not just something that is dramatic and catches the news, we need to be aware of the cost and the implication of that as well.

So again I thank the chair for holding these hearings, and I will sit back and am very interested to hear your testimony.

Thank you. I yield back.

Mr. HOSTETTLER. The gentleman's time has expired.

The chair now wishes to introduce the panel. John E. Fuller—from October to December 2002, Mr. Fuller headed a task force appointed by the Attorney General of Antigua and Barbuda to investigate the activities of John Allen Muhammad and Lee Boyd Malvo in Antigua. He has been an attorney in private practice in Antigua since 1975. He was the legal officer of the Attorney General of An-

tigua and Barbuda from 1973 until 1975. He is a graduate of Saint Peter's College in New Jersey and the Inns of Court School of Law in London.

Robert J. Cramer has been the Managing Director of the Office of Special Investigations at the General Accounting Office since August 2002. He has also served as Assistant General Counsel for Special Investigations at GAO.

Before he arrived at the GAO in 2000, Mr. Cramer was an Assistant U.S. Attorney in the Southern District of New York. He is a graduate of Brooklyn College and Notre Dame Law School.

Roderick L. Beverly is a Special Agent in Charge of the FBI's Office of International Operations. In this position, he oversees the FBI's Legal Attache Offices in 45 foreign countries as well as the Office of Language Services.

Before coming to the Office of International Operations, Mr. Beverly served in a variety of positions at the FBI. He was Special Agent in Charge of the FBI's San Antonio Division from April 1998 until May 2002. Before that posting, he was Assistant Special Agent in Charge of the San Juan, Puerto Rico Field Office of the FBI, a position that he assumed in May 1996. This followed a posting as the field supervisor responsible for directing the Organized Crime Drug Program at the FBI's Atlanta Division as well as here at FBI Headquarters where he was an Assistant Inspector in the Inspection Division.

In September 1990, Mr. Beverly was sent to the U.S. Embassy in Bogota, Colombia as the Assistant Legal Attache. He spent 2 years working with the Colombian authorities in pursuing the leaders of the Colombian cocaine cartels. He became a Special Agent in December 1982. In addition to the postings above, he also served tours in the Charlotte, San Diego, and Miami divisions of the FBI and at the Organized Crime Drug Section at FBI Headquarters in August 1988.

He is a graduate of North Carolina State University.

Sharon Palmer-Royston is an attorney advisor and Chief Legal Officer for Passport Services at the State Department. She has worked as a lawyer for Passport Services since 1975, supporting the passport program on litigation, legislation, and passport restrictive actions.

Recently, Ms. Palmer-Royston has initiated or directed implementation of a number of innovative programs including the 1996 law requiring passports to be denied to individuals in arrears on child support.

She is a graduate of the University of Connecticut and the Washington College of Law at American University.

One last point, to reiterate. As I mentioned in my opening statement, in order to protect the ongoing prosecutions of Mr. Muhammad in the United States, none of the witnesses today is involved in those prosecutions. I would ask the Members once again not to question the witnesses about Mr. Muhammad's presence or actions in the United States or about the sniper investigation itself.

At this time, Mr. Fuller, you are recognized for 5 minutes. You are more than welcome to summarize your opening statement. It will be available for the record, but you are free to testify before the Subcommittee.

Thank you.

STATEMENT OF JOHN E. FULLER, ESQUIRE, HEAD OF ANTIGUAN TASK FORCE INVESTIGATING MUHAMMAD'S ACTIVITIES

Mr. FULLER. Thank you, Mr. Chairman.

Mr. Chairman, I would like to preface what I am about to say with the remark that you have said it all, actually, between yourself and Ms. Jackson Lee, insofar as we are concerned.

As you can see from my written submission, we conducted this investigation in Antigua and basically for the purposes of trying to understand how Muhammad got an Antiguan passport. And in our investigation, we realized that he used forged documents to obtain the Antiguan passport, and from that, we found out that he systematically targeted a sector of the population with his merchandise, that is to say, a very easy fabricating of driving licenses with photo i.d.'s and birth certificates.

We found that in fact Muhammad came to Antigua with—I should say equipped with—blank birth certificates, some of which he actually forgot in the house that he was staying in. And I made copies of those, and I would like to give them to you. These are the ones he came with—and remember he came to Antigua more likely than not for the purpose of hiding his children, who were the subject of a court order in the States and to whom he had very scant access.

I think the purposes of his obtaining the false birth certificates in the first place was to create new identities for his children so that he could keep them wherever he wanted to. And having successfully done that—he did create those birth certificates for them—he went on and found that his skills in so doing were marketable, and he did make quite a few dollars from selling them and fabricating documents quite easily.

With the help of American Airlines staff, he was actually caught trying to send one of his clients overseas, and he was caught himself with a driving license, an American driving license from either the States of Washington or Washington, D.C., unspecific, and we have the original, and what I will do is—I have made copies, or you have very kindly made copies here—and the false birth certificate—and I will hand them all up to you. And I will hand the originals up as well so that you can have a look at them.

It seems trite now to say how easy it is to fabricate these documents, and I think you could ask any 18-year-old or 17-year-old who wants to get into a bar how easy it is to obtain these documents. So that goes without saying.

These are the originals, and if you would have a look at them, and I would love to have them back, please.

Mr. HOSTETTLER. The record will reflect that Mr. Fuller has sent to the dias the records, the original records, for the examination by Members of the Subcommittee.

Mr. FULLER. Actually, the fake driving license there has Muhammad's photo himself on it.

What more can I say? I think it is—I was very surprised to find that as a result of what we reported in Antigua, this thing grew.

I'm sure that the authorities here knew about it before, but—because it was just too easy, just too easy.

I think the documents themselves, however, are not sufficient. I think you need to have an attitude when you get to your immigration officer. You have to have the right moves, the right accent. If you are going through Puerto Rico, where most of the immigration officers' first language is Spanish, it is very hard for them to detect the difference between a Jamaican fake American accent and an American accent, and I think that is a weakness there itself, just to add 5 cents to it.

If I am allowed to comment, I think there will be a very, very detrimental impact to tourism in the Caribbean and to the economies of the Caribbean, because we rely mainly on tourism and people like the people that Ms. Jackson Lee referred to who decide Wednesday to go to the Caribbean Thursday. We rely on those people for our livelihoods, for our tax base, for everything, and if the exception were—and if I am allowed to beg—were done away with, we would suffer greatly, not just in Antigua and Barbuda, but throughout the Caribbean, and no doubt in other countries of the Western Hemisphere which rely on those sort of tourists.

I spoke to a young lady, one of your clerks, earlier, and we were talking about how many Americans have passports. A very small percentage of Americans have passports compared to other developed countries. Something like 10 or 15 percent of Americans have passports. Therefore, the 85 percent or 90 percent of your population who don't have passports will not be traveling without passports if this exception is done away with, and it is from—not just from the 10 or 15 percent that we get our livelihood throughout the Caribbean. We have services and places that they want to visit and obtain, and if this exception is done, we are going to suffer greatly.

I don't know if Ms. Jackson Lee had figures of how many million people, jobs, et cetera, et cetera, but in a small country like Antigua and Barbuda with a population of 70,000, where something like 80 percent or 75 percent of our BNP is based on tourism, we will suffer very, very much.

Any further comments I have would be inappropriate.

Thank you, Mr. Chairman.

Mr. HOSTETTLER. That is right, Mr. Fuller, and your testimony is well-taken, and that is why you are here. We appreciate your testimony.

Mr. FULLER. Thank you, sir.

[The prepared statement of Mr. Fuller follows:]

PREPARED STATEMENT OF JOHN E. FULLER

Together with three other persons (Ralph Francis, Attorney, Cosmos Marcelle, retired Assistant Commissioner of Police and the Reverend Arnold Francis, Catholic Priest) I was on the 28th day of October 2002 requested by the Attorney General of Antigua and Barbuda to conduct an investigation into the activities of John Allen Muhammad and Lee Boyd Malvo during their presence in Antigua and Barbuda. On the 31st day of October 2002 we issued the attached Interim Report and on the 31st day of December 2002 we issued the attached Final Report.

Insofar as the findings in these two latter reports relate to the subcommittee's oversight hearing the documents speak for themselves.

On the issue of Mohammad's document fraud activities in Antigua the following is a summary of facts as we found them:

Mohammad first arrived in Antigua on the 20th day of March 2000. He was accompanied by his three minor children. We were satisfied that he came to Antigua

effectively to remove his minor children from the jurisdiction of the Courts of the USA. He did not have lawful custody of his children.

He stayed with an Antiguan family for a few weeks but was asked to leave as the family suspected that he had “kidnapped” his children.

Upon his departure from the latter residence he seems to have inadvertently left in that house a few “blank” birth certificates ostensibly from a state in the United States (copies of certificates to be produced). We concluded therefore that he came to Antigua equipped with documents intended to be used in creating false identities—most likely for his children.

His second residence in Antigua was with a Jamaican family and through them he became acquainted with many Jamaican nationals living in Antigua. It became apparent that there was (and no doubt still is) a rich market among Jamaican nationals for travel documents facilitating entry into the USA.

Notwithstanding the fact that Mohammad seems to have barely literate, between April 2000 and March 2001 he systematically engaged in the production and sale of U.S. driving licenses with photographs and corresponding birth certificates. He was aided and abetted in this activity by an individual who was (and is) extremely computer literate. The production of these documents does not seem to have been extremely difficult or requiring high skills. Two examples of his handiwork are now produced. All that seems to be required are:

1. A computer and scanner.
2. A template for the driving license and for the birth certificate.
3. A photograph.
4. A laminating machine.
5. A harassed and/or gullible immigration officer whose first language is not English.

Mohammad often “shepherded” his clients into the USA. He also often had two sets of documents for each client. One set contained his photograph, the other his “client’s” photograph, both with a false name, etc. . . . Muhammad would check in for the flight entering the U.S. and, before embarking on the flight, would hand over the boarding pass to his “client.”

Statements from witnesses supporting our findings are in our possession.

The Government of Antigua and Barbuda in response to our recommendations has instituted an intensive training program aimed at airline counter clerks, immigration officers, customs officials, police officers, passport office clerks and public record employees. The U.S. Immigration Service has hosted several workshops here in the detection of forged documents. All recommendations have been implemented.

From our point of view what Mohammad did was not so much as “exploiting a loophole” but utilize the computers and the Web to obtain documents to create credible forgeries. It must be remembered however that at least one of his “clients” was refused U.S. entry in December 2000 in San Juan, Puerto Rico.

Finally, in addition to the many other avenues of investigation that we undertook and the various names and individuals that we investigated, Mohammad not only took advantage of the United States exception for the Western hemisphere but he also utilized forging skills in obtaining for himself and three others four Antigua and Barbuda passports. The other three passports were for Jamaican nationals.

Mohammad’s activities highlighted the weaknesses in the systems in place in the U.S. and in Antigua and Barbuda in the age of computer technology from which we all should learn hard lessons.

As a footnote I think it incumbent upon me to mention the potential repercussions to all tourist oriented countries in the Western hemisphere who allow U.S. citizens without passports but with photo ID to enter if the exception to enter is repealed. In such an event there will no doubt be an impact on the number of tourists traveling and such impact will no doubt substantially affect our tourist industries.

He well knew he was going to stay with Janet Greer at Golden Grove as he had before his arrival spoken to her on the telephone. We have ascertained this from Ms. Greer who actually picked him and his children up at the airport on the 28th March 2000. Her phone number is 461-6110 and not 463-6110 as he stated on his disembarkation card.

2. Williams and his family stayed at Ms. Greer's home for 4 to 5 weeks after his arrival until she asked him to leave on account of her suspicions that he had kidnapped his children in spite of the fact that Williams showed her a document purporting to be signed by the children's mother giving Williams authority to leave the United States with the children.
3. Shortly afterwards he and his children moved into a house on Rose Street, Ottos next to the Greenville Primary School owned by Mrs. Janet Harris who was also the principal of the school.
4. In April 2000 he enrolled his children at the said school using the surname Lee with Christian names different than those with which they entered Antigua.
5. During April May and June 2000 he inveigled his way into the good graces of principal Janet Hams at the school.
6. During the same period he spoke on one occasion to Mrs. Muriel Allen, a teacher at the said school, to whom he suggested that they were related by virtue of the mutual name of "Allen". During the conversation he asked her for her mother's name and she told them it was Eva Ferris.
7. On the 19th June 2000 Williams applied for an Antigua and Barbuda passport. In support of his application he presented a Louisiana birth certificate purporting to be his and an Antigua and Barbuda birth certificate of one Eva Ferris. We have been unable to ascertain how Williams obtained Eva Ferris' birth certificate.
8. On the 4th July 2000 a passport was issued in the name of John Allen Williams which Williams apparently collected on the 18th July 2000.
9. Upon a perusal of the said Louisiana birth certificate presented by Williams in support of this passport application, his mother's name is stated as Eva Feris aged 39. The certificate however plainly shows that the informant of the birth of John Williams was the "parent" whose signature is shown as "Mrs. Myrtie Williams" and not Eva Feris. This alone is a blatant contradiction on the face of the document and should have been seen. Additionally the mother's age at the time of Williams' birth is stated as 39 on the 31st December 1960 resulting in the mother being born in 1921. The accompanying birth certificate of Eva Ferris shows her year of birth in Antigua as 1929. This also should have been a red flag to the staff at the passport office. The spelling of Ferris differs on both documents, another reason to be concerned about the application. Finally, the typeface used for "Eva Feris" and "Antigua St. John's" in Williams' birth certificate are different in style to the balance of typeface

used in the other words typed in the certificate and are off angle to the other lines typed on the certificate.

10. The identity of Williams was certified in paragraph 9 of the application by Mrs. Janet Harris described above. On the 19th June 2000 she certified that she knew Williams for 1 year and 6 months. She admitted to the chairman that this was untrue and that she had known the Williams family for 4 months only but that she wanted to help them as Williams had told her his mother was Antiguan. Further he had been so helpful at school and seemed very honest.
11. It seems clear to us that had Williams' documentation been examined carefully his application would have been rejected and his documents may have been referred to the police and become the subject of criminal prosecution for forgery and/or making a false statement under section 6 of the Forgery Act Cap 181. These charges are still possible.
12. We conclude that save for Williams' deliberate falsification of his passport application and his birth certificate and Mrs. Harris' false statement, there is no evidence of any criminal collusion with anyone in the passport office. However, we have to conclude that there was negligence in the issuing of the passport. Three persons in the office perused his application and supporting documents namely, Ms. Jasmine Stewart counter clerk, Ms. Violet Josiah passport clerk and Lady Ena Thomas Permanent Secretary. We emphasize that the various discrepancies listed above should have been observed. We learned that Ms. Jasmine Stewart left the Civil Service at the end of July 2000. We have found nothing to suggest that she was involved in any impropriety in connection with the issuing of Williams' passport.
13. We also conclude that there is no evidence to link Williams to Richard Reid.
14. We are satisfied that Williams is not a citizen of Antigua and Barbuda.

Recommendations in this report are limited to the passport office and are as follows:

The passport office issues over 5000 passports annually. In fact on the 4th July 2000 over 60 passports were issued. The careful perusal and examination of supporting documents is vital to ensure that forgeries and falsifications do not succeed. We strongly recommend that the examination and vetting of applications and supporting documents are done by staff who are trained to detect forgeries and false documents. The final approval should be a formality given with the solid and unshakeable knowledge that all is in order. Clearly this is not the case now and urgent steps must be taken to ensure that our recommendations are implemented.

Finally (and the following portion of the report ought to be kept confidential) we are in possession of information which leads us to strongly suspect (a) that Williams may have fraudulently obtained several more Antigua and Barbuda passports and (b) that Williams engaged in an extensive conspiracy to forge and provide forged U.S. travel documents for illegal immigrants to the United States. Our investigation into this aspect is ongoing and may be the subject of a second Interim Report. We may call upon the assistance of the Police to obtain search warrants of and interviews with named individuals who may have been accessories to the above activities.

We attach hereto copies of the documents mentioned herein.

Dated: 31st October 2002

John Fuller- Chairman _____

Ralph A. Francis- Member _____

Father Arnold Francis- Member _____

Cosmos Marcelle- Member _____

Antigua and Barbuda
Task Force Report
To the Attorney General

Pursuant to our mandate of the 28th October 2002 from the Attorney General we submit the following confidential report.

This report is supplemental to our Interim Report of the 31st October 2002. It is based on interviews with interested persons and the examination of documents obtained from the Antigua and Barbuda Passport Office and elsewhere. Conclusions of fact are solely ours and in some instances made without corroborating evidence but with the actual experience of seeing and hearing the statements of witnesses whom we believe to have been honest or otherwise.

Our first line of enquiry was the passport office itself where we demanded that all applications for passports made between the 1st day of April 2000 and the 30th June 2001 be impounded and kept in a room, the only keys to which were kept by us. This was done on the 6th day of November 2002.

Because of the sensitive nature of the passport issue we decided first to look for forged documents used to obtain passports. To do so and because of the large number of applications made in the relevant period we obtained clerical assistance from the Ministry of Legal Affairs and a team of police officers to systematically examine each application. There were 8304 passport books involved. Every one has been accounted for that was issued in Antigua and Barbuda.

As we already had the application for John Allen Williams' (hereinafter referred to as Muhammad) passport, the method that he used was one line of investigation. This line of investigation produced three more applications all of which proved to be fraudulent. They are:

John Edwards, whose real name turned out to be Norman Migill Manroe, a Jamaican national.

Revena Ferris, whose real name is Keshna Douglas, another Jamaican national.

Rona Ascott, whose real name is the same. She is actually a Jamaican national but as in the other three cases the documents used to obtain the passport were forged.

We also screened all applications by having several persons who were acquainted with Muhammad and the persons with whom he associated (particularly of the Jamaican community) examine the photographs of each applicant attached to each application. It was by this method that the application of "Edwards" was discovered by Keithley Nedd.

Additionally, and because each of the four known fraudulent applications were obtained using a forged United States birth certificate for the applicant, we examined the birth certificate of each applicant in the relevant period. This method produced the application of Rona Ascott.

After exhaustive and careful analysis using all of the above methods we are satisfied that during the relevant period only the four stated passports were obtained by fraudulent means. We are also satisfied that all four were obtained by Muhammad, for himself and the others, for personal gain.

During our examination of the applications and after being assured by Lady Ena Thomas that the relevant applications were securely sequestered in a room, to which we had the only key, we discovered that one file of applications for some reason had not been included in those sequestered. This gave rise to concern about the assurances we had been given regarding the safe quarantining of the relevant documents. We took the said file into custody and secured it. This file contained the fraudulent application for Revena Ferris which was discovered by passport office staff.

This latter incident caused Mr. Keithley Nedd who had been up to that time, fully cooperative, to withdraw his assistance from the investigation.

We believe that there are no sinister reasons for the original exclusion of this file from those that we had secured. However, we felt that it was a lapse of care again on the part of the passport office staff. We believe that Nedd's refusal thereafter to cooperate was and is totally unreasonable and may have been motivated by ulterior motives. We continued without him. We wrote him indicating that he had not completed his perusal of all the relevant applications but to no avail. He has not resumed his assistance in our investigation and has ignored all of our entreaties so to do. He has however seen fit to make public statements on a political platform about the investigation and us.

In the course of this investigation we interviewed the following persons;

Keithley Nedd

M

Judith Peets

Janet Harris

Lennox Gardner

Fitzroy Anthony

George Simpson aka Shanga Netfa

N

Mrs. Gina Papadopolous

Joel Paige

Lynroy Fredrick

Carla Foster

Janet Greer and family

Orella Jarvis

Cassandra Anthony Thomas

Renee Williams
 Wilbur Purcell
 Jennifer Isaac
 Constable Junior Mapp no. 491
 Colonel Clyde Walker
 Howard Kelly
 Muriel Allen Bennett
 Alvin Jones
 Cpl. Burke no. 219
 Cpl. Lewis no. 408
 Const. Patrick no. 108
 Francine Graham
 Sgt. E. Jeffers no. 412
 Alan Aflak
 Lady Ena Thomas
 Violet Josiah
 Alvin Langlais
 Kevin Perino
 Katherine Skipp
 Mark Fineman
 Libby Nicholson
 David Gonzalez
 J
 Y
 Ondell Contstant
 Basil Walters
 Collin Sullivan
 Sgt. Cabral no. 75
 Cpl. Hampson no. 125

Several of the persons gave statements on the condition that they remain anonymous. The names listed above which are underlined are the ones whom we promised anonymity. Several refused to give written statements and other statements were given over the telephone. In respect of others it was simply impossible to get written statements. We are in possession of all written statements given. However, many of the witnesses above gave background information only and their evidence is not mentioned below.

Keithley Nedd failed to give a written statement but insofar as the passport issue is concerned he admitted to us that he saw Muhammad with only one Antiguan and Barbudan Passport. He did say he saw Muhammad "holding" five passports in his hand but that he saw only the front of one of them and it was an Antiguan and Barbudan passport.

Nedd has a child with Keshna Douglas' half-sister. The child's godfather is Senator Harold Lovell. Muhammad lived in the house of Charles and Euphemia Douglas at Rose Street, St. John's. Nedd visited his girlfriend at the Douglas household before she lived

with him and as a result Nedd saw and heard much of what went on. He made no contemporaneous report of his suspicions to the police. He admits he had a falling out with Charles Douglas and was thereafter not as welcome at the household as he once was. Regarding his allegation of making a loud and public protest at the passport office in the presence of Constable Mapp, Mapp denies any such incident ever took place. It was Nedd who reported that Muhammad told him that he was an expert shot and could shoot a man easily at a great distance.

Whilst it is clear that much of what Nedd had to say was corroborated there is no doubt that he exaggerated greatly and evaded all attempts to have him give a full and lucid statement and to complete his perusal of the relevant passport applications. Regardless of his motives, he does deserve some commendation for his original whistle blowing.

M a Jamaican National was also a frequent visitor to the Douglas household. In mid 2000 he met Muhammad at the Douglas household and thereafter formed a relationship with him. Both he and Nedd suspected that Muhammad was forging documents including United States driving licenses and birth certificates. M found out that Muhammad was selling a set of US documents for \$3000.00 US and that Muhammad would arrange for those who purchased those documents to fly to the USA on the return half of a ticket for a trip which originated in the USA thereby making it even less suspicious to all concerned.

This witness also stated that Muhammad suggested blowing up Barclays Bank and kidnapping the Prime Minister. Most of what this witness told us was corroborated in one way or another. For example, he told us about Rona Ascott but for some reason that information was forgotten by us. Ascott's name however was independently discovered by a passport clerk who suspected the application to be false because of the included US birth certificate. It was only after Ascott's arrest that we remembered this witness' previous information about her.

He also informed us about Muhammad's visits to Libby Nicholson who later confirmed it. M also corroborated independent information given by N concerning Norman Manroe's and Muhammad's interest in counterfeit US currency. He also identified Norman Manroe as "Indian" who associated with Muhammad and was the first witness to inform us that Manroe had been sentenced in Antigua for drug trafficking. Manroe's close association with Muhammad and Manroe's known propensity for drug trafficking and his involvement with Deon Wylie raised greater concern about Muhammad's activities in Antigua particularly knowing that Wylie was murdered on the 29th September 2000 in Antigua by a person or persons unknown. Wylie had spent much of the day before he was murdered with Manroe and was involved that day as the victim of a violent pursuit.

M told us that Manroe and Wylie had met at the prison and that he, M, had accompanied Muhammad to the prison where Muhammad visited a prisoner. He was not present for that meeting. Prison officials confirmed that Manroe and Wylie were in prison at the same time. We also discovered that Manroe was sent to prison in the name of Kenny

Williams he having also fraudulently obtained a passport in the name of Kenny Williams a year before Muhammad ever came to Antigua.

Wylie also paid for the funeral of Manroe's infant who died aged 3 days, just before Manroe was released from prison. The prisoner that Muhammad is alleged to have visited was Livingston Morgan a convicted forger of US currency.

Judith Peets' name was given as the certifier of Manroe's first false passport for which he successfully applied on the 19th July 1999 in the name of Kenny Kasim Williams. Ms. Peet denied signing the application and our handwriting expert confirmed that the handwriting on the application is not hers. Obviously the passport office did not verify independently any of the facts in this application remember Manroe successfully applied again with Muhammad's help for a second false passport on the 11th September 2000 in the name of John Edwards. Obviously again the passport office did not verify independently any of the facts in that application.

Janet Harris is the headmistress of the Greenville Primary School on Rose Street Ottos. Muhammad sent his 3 children to that school and it is immediately adjacent to the Douglas household on Rose Street. Muhammad used his wit and charm on Mrs. Harris, in addition to his helpful attitude and healthy appearance, to obtain Mrs. Harris' certification on his passport application. She admitted certifying that she knew him for 18 months when in fact she knew him for barely two months. It is also alleged that she certified the application for John Edwards. She denied it and the matter will shortly be sub judice. Again neither of these applications was independently verified by the passport office. A warrant has been issued for Mrs. Harris' arrest.

Lennox Gardner, the director of the Social Security Scheme, confirmed that Muhammad obtained a social security card in the name of John Allen Williams using the passport in the name of John Allen Williams which he used as proof of his identity and citizenship.

Fitzroy Anthony, a senior sergeant of police assisted in two ways. First, he was the officer who investigated Muhammad's escape from St. John's Police Station on the 13th March 2001 and who also attempted to locate Howard "Steve" Kelly; both eluded him. His statement, a copy of which is attached, is self-explanatory. Second, Sgt. Anthony is the investigator in Deon Wylie's murder. He allowed us to read his file. That murder is still unsolved.

Gina Papadopolous, a witness at the scene of the murder, stated that Norman Manroe was not the person seen leaving the scene covered in blood.

George Simpson, who has since legally changed his name to Shanga Nefta was a known associate of Muhammad and was often seen in his company. It is Simpson's name which is shown as the certifier of the passports obtained in the names of Revena Ferris and Rona Ascott. He is a plumber. He denies signing as certifier or that the signatures of "George Simpson" on both applications are his. Our handwriting expert supports him. Needless to say, he was not contacted by the passport office to verify any facts in those applications.

It should be noted that the passport office accepted a plumber's certification without verification and on the application "plumbing" was spelt "plumming" by the plumber. It should also be noted that for all four applications which we attribute to Muhammad, Eva Ferris is shown as the mother!

Joel Paige of the Birth Registry wrote up the birth certificate for Eva Ferris which was used in all applications but understandably he cannot remember doing so or for whom.

N was Deon Wylie's girlfriend. She knew Norman Manroe. Both Wylie and Manroe were drug traffickers and dealers and both were interested in and did possess counterfeit US currency. She stated that Manroe spent much of the 28th September 2000 with Wylie. Wylie was murdered on the 29th September 2000. She notes that they met in prison and that Wylie paid for the funeral of Manroe's infant while Manroe was still in prison. She is still afraid and wishes to remain anonymous.

Mrs. Janet Greer at the request of her cousin Randolph Simon (who lived in Tacoma, Washington State and was a friend of Muhammad) allowed Muhammad and his three children to stay with her when they arrived in Antigua on the 28th March 2000. All four arrived on American Airlines flight 5502 on one "travel" document, namely the Wyoming driving license no. 451891495 of Muhammad. There is no doubt that this too was a forgery. His name was shown as Thomas Allen Lee. His children, whose embarkation/ disembarkation (ED) cards were filled out by Muhammad, were declared as Fred Allen Lee, Theresa Lee and Lisa Lee- all false names of course. Muhammad introduced himself to Mrs. Greer as John Muhammad instead of Lee and his children as John Jr., Thalibah and Selima. Before long Mrs. Greer realized that Muhammad had kidnapped his children and asked him to leave in spite of being shown a letter which Muhammad produced giving him "authority" for Muhammad to travel with his children. Up to that point Mrs. Greer and her whole family had been very kind and helpful to the Muhammads. It seems he went thereafter directly to Charles and Eupersia Douglas' house on Rose Street. Mrs. Greer and family had no further contact with the Muhammads.

Lynroy Frederick, a security officer for The Public Works Department, states that in or about October 2000 he saw Muhammad and another person twice at early hours of the morning in the vicinity of the Prime Minister's home at Soldiers Ghaut. He stated that Muhammad asked him if that was the Prime Minister's home. However, Frederick also stated that he Frederick thought that Muhammad and the other person were other security guards for the home but didn't explain how he could have thought that while at the same time Muhammad was asking if that was the Prime Minister's home.

Wilbur Purcell of Special Security Services stated that he knew Muhammad, who offered his services as a consultant, but Purcell did not take up his offer. Purcell himself was very cooperative but his staff was not, and on occasion displayed ignorance and were extremely uncooperative.

The Staff of American Airlines were very cooperative. It was as a result of suspicions raised by Muhammad's behaviour on the 11th March 2001 that Muhammad was arrested and taken into custody by Sgt. Cabral and Cpl. Hampson. Muhammad, calling himself "Norman", had for some time been purchasing tickets from American Airlines. He sometimes would purchase as much as \$10,000.00 EC worth of tickets at one time.

On one occasion he checked in for a flight with a check-in clerk who happened to travel on the same flight. On the flight she noticed that he was not on the aircraft. Upon her return she checked the manifest and discovered that he indeed was on the flight-or in any event his name was shown as being on the flight. She rightly concluded that he had switched documents with someone whom she did not recognize. As a result the alarm was raised and on the next occasion, the 11th March 2001, when "Norman" attempted to check in, this time in the name of "Dwight Russell" she called the police and Muhammad was captured only to escape on the 13th as we already know.

Howard "Steve" Kelly was the other person at the airport on the 11th March 2001. He had paid Muhammad \$2500.00 US to provide false US travel documents in the name of Dwight Russel. He was told to wait in the men's room of Big Banana at the airport until Muhammad had checked in and obtained a boarding pass which along with the travel documents was to be given to Kelly in the men's room. Muhammad was caught. Kelly waited for hours and eventually left. On the 19th December 2002 Kelly turned himself in and in exchange for immunity from prosecution given by the Director of Public Prosecutions. Kelly gave a full statement of his involvement. When Muhammad was arrested the police took possession of a driving license in the name of Dwight Russel bearing a photograph of Muhammad. The Police also took a US birth certificate from Muhammad in the name of Dwight Russel together with a one-way ticket to Los Angeles in the name of Dwight Russel and two suitcases with what later proved to be Kelly's personal effects.

Colonel Clyde Walker his deputy Alvin Jones and their staff fully cooperated. In fact when Norman Manroe was arrested at V.C. Bird Airport in February 2000 for drug trafficking in the name of Kenny Williams, Alvin Jones, who was present, told the arresting officer that Williams' right name was Manroe and that he was a Jamaican. This information was not acted upon and Manroe was arrested, convicted and imprisoned in the false name of Kenny Williams. Even at Court Jones informed the prosecutor of his knowledge but the case went ahead in the name of Kenny Williams an "Antiguan" citizen. Upon his release from prison instead of being deported to Jamaica Manroe was released back into society as an Antiguan. Jones prepared a full file on Manroe and was the first to suspect that Manroe had fraudulently obtained an Antiguan and Barbudan passport completely independently of Muhammad's efforts. This file was given to the then Chief Immigration Officer. We are not aware of any action taken.

Notwithstanding the above, we discovered that Manroe was deported from Puerto Rico back to Antigua in December 2000. How he slipped through the cracks on his re-arrival here we do not know. He had already obtained his second false passport in the name of John Edwards in September 2000. We do suspect that he too had fake US travel

documents done by Muhammad. In any event he appears to have left Antigua for Jamaica as John Edwards in June 2001 and next appeared in Massachusetts in October 2001 when he was arrested on a drug charge and since then he has been in custody. We have also discovered that on the 11th September 2001, using forged US documents, he applied for a US passport in Massachusetts. He has since been charged, indicted and arraigned for this and is awaiting trial in custody in Massachusetts.

Additionally we have discovered that Muhammad, using the name of Thomas Lee, applied in Antigua to the US Embassy in Barbados for a US passport using more forged documents. The forgeries were quickly discovered but Muhammad never followed up his application.

Alan Aflak informed us that he had a flurry of requests from members of the public for driving license type photographs with red backgrounds. When he realized the use to which these could be put he refused to do any more. Antiguan and Barbudan driving license photographs have a white background.

Cpl. Burke and Cpl. Lewis were on duty at St. John's police station on the morning of the 13th March 2001. Muhammad was in their custody. Cpl. Burke was noted in the diary as off duty for reasons of ill health at 11:39 AM and at 11:40 AM Cpl. Lewis notes that Muhammad "Whyte Russell" "walked out" of the station! A suspicious sequence of events and an obvious gross lack of security.

J and his wife Y were interviewed and their home was searched by warrant. Both their computers and laminating machine were examined both for content and fingerprints. Nothing useful was found but there is evidence to suggest that they assisted Muhammad in the preparation of forged US driving licenses and birth certificates. The evidence is however insufficient in our opinion to recommend that they be charged.

We have been unable to discover much about Lee Boyd Malvo. He arrived in Antigua on the 9th July 1999 aged 14 years. He went to live with his mother Una James, another Jamaican national, at Cashew Hill. Shortly afterward he was enrolled at the 7th Day Adventist School. Una James met Muhammad through the Douglas' and it seems certain that she too obtained US travel documents from Muhammad. She appears to have left Antigua in late 2000 or early 2001. She turned up in Fort Myers, Florida by May 2001 where she married a US citizen apparently for immigration purposes.

Una James left her son alone in a rented house in Bendals Road. He lived there alone for about 3 months. He was then 15 years old and became 16 years old on the 18th February 2001. No rent was paid for the home for three months and the landlord disconnected all utilities. Malvo took care of himself and went to school for those three months. Finally, in an apparent fit of frustration, he trashed the inside of the house and moved in with Muhammad on Rose Street.

After Una James' departure she would send money for Malvo through Muhammad. Not much came. From information received Una James did not pay Muhammad for her

forged documents and was visited in Florida in mid 2001 by Muhammad who, it is suggested, held on to Malvo as security for his payment.

During our enquiries several reports were made to us by members of the public but very few resulted in useful information. For example, as a result of information, the home of a Jamaican national one Francine Graham was searched with a warrant by our investigating officers looking for an Antiguan and Barbudan passport. None was found.

When Muhammad escaped on the 13th March 2001 he disappeared and obviously shortly ~~thereafter left Antigua probably using a false passport and a false name that was used~~

7. Public records should be available to all freely upon payment of a small search fee but for every extract made from these records there ought to be a permanent record of the applicant kept by the Registry of Births Deaths and Marriages.
8. The delays in obtaining passports and citizenships must be avoided by speedy professional handling of all such applications.
9. Laminated documents ought not to be accepted. Lamination hides embossed seals which ought to be on foreign documents. Lamination also falsely lends to the acceptance of forged documents as true giving them a more genuine appearance than they deserve.
10. We also recommend that the passport office be audited on a quarterly basis by an independent committee comprised of persons appointed by both sides of the House of Representatives whose quarterly report be published in the Gazette.

Finally we wish to thank all who assisted us in this investigation and apologize to the passport office staff for any inconvenience caused by us. We are particularly grateful to Inspector Leroy Morgan, Senior Sergeant Clement Solomon and Constable Sean Wayne for their help.

December 31st 2002

John Fuller- Chairman	_____
Ralph A. Francis- Member	_____
Father Arnold Francis- Member	_____
Cosmos Marcelle- Member	_____

Mr. HOSTETTLER. Mr. Cramer?

**STATEMENT OF ROBERT J. CRAMER, MANAGING DIRECTOR,
OFFICE OF SPECIAL INVESTIGATIONS, U.S. GENERAL AC-
COUNTING OFFICE**

Mr. CRAMER. Mr. Chairman, Members of the Committee, good afternoon.

I am here today to report the results of security tests performed by agents of the Office of Special Investigations who, acting in an undercover capacity, entered the United States from several countries in the Western Hemisphere using fictitious identities and counterfeit identification documents.

Mr. HOSTETTLER. Mr. Cramer, could you pull the microphone a little closer to you?

Mr. CRAMER. Sorry; sure.

Mr. HOSTETTLER. Thank you.

Mr. CRAMER. The purpose of our tests was to determine whether U.S. Government officials conducting inspections at the border would be able to detect the counterfeit documents presented.

For purposes of our tests, we established fictitious identities for our agents and created counterfeit driver's licenses and birth certificates using ordinary personal computers and off-the-shelf software that is available to any purchaser.

On the chart to your right are reproductions of some of the driver's licenses and birth certificates that were created.

The agents entered the United States from Barbados, Jamaica, Mexico, and Canada using their fictitious names and these documents. The border inspectors did not question the authenticity of the counterfeit documents, and our agents did not have any difficulty entering the United States at any time with them.

On two occasions, border inspectors did not ask for identification when our agents came in from Canada and Mexico.

The entry from Barbados occurred earlier this month when two of our agents traveling on one-way tickets from Barbados arrived at an airport in the United States. They proceeded to the immigration checkpoint, and each was checked at different times by the same inspector. Each agent was asked for his passport, and each responded that he did not have one, but produced the counterfeit birth certificate in the undercover name. The inspector reviewed the birth certificate and asked for picture identification. In response, each agent produced the counterfeit driver's license he had. The inspector asked several questions of the agents and reviewed the documents and then permitted them to enter the United States. He did not question any of the counterfeit documents that they presented.

In January of this year, two agents who were traveling on one-way tickets from Jamaica arrived at a different airport in the United States. When they went to the immigration checkpoint, they presented to two different immigration inspectors their counterfeit driver's licenses and birth certificates. The inspectors appeared to examine those documents carefully, but they did not recognize them as counterfeit and permitted the agents to enter the United States.

On one occasion in November of 2002, our agents crossed the border from Mexico into the United States. Two agents were asked for identification by two different border inspectors. Both agents presented counterfeit driver's licenses and were allowed to cross into the United States.

On another occasion in coming in from Mexico, an agent crossed the border, and the inspector asked him a series of questions and permitted him to enter the country without producing any kind of identification.

Our agents also crossed the border from Canada into the United States on two occasions. The first border crossing occurred when the agents entered the United States through a seaport of entry from Canada. On that occasion, the agents were not asked to show identification. On a subsequent occasion, two agents using fictitious names and presenting counterfeit driver's licenses crossed the border into the United States at a land border crossing. After the inspector reviewed the documents, he permitted them to enter into the country.

To summarize this, we recognize that weaknesses in inspection processes for entrance into the United States raise complex issues, and we are performing an evaluation of those processes and weaknesses which will be reported to the Congress in the coming weeks.

Although the Bureau of Customs and Border Protection inspects millions of people who enter into the country each year and detects thousands of individuals who attempt to enter illegally, the results of our work do indicate that the inspectors are not readily able to detect counterfeit identification documents and that people who enter this country are not always asked to present identification.

That completes my prepared statement, Mr. Chairman. I am here with some of the agents who participated in this work, and we will be happy to answer any questions that you or the Members of the Committee may have.

Mr. HOSTETTLER. Thank you, Mr. Cramer.

[The prepared statement of Mr. Cramer follows:]

PREPARED STATEMENT OF ROBERT J. CRAMER

GAO	<p>United States General Accounting Office</p> <hr/> <p>Testimony</p> <p>Before the Subcommittee on Immigration, Border Security, and Claims, House Committee on the Judiciary</p>
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For Release on Delivery
Expected at 2:00 p.m. EDT
Tuesday, May 13, 2003

**COUNTERFEIT
DOCUMENTS USED TO
ENTER THE UNITED
STATES FROM CERTAIN
WESTERN HEMISPHERE
COUNTRIES NOT
DETECTED**

Statement of Robert J. Cramer, Managing Director
Office of Special Investigations



Mr. Chairman and Members of the Committee:

I am here today to discuss the results of security tests we performed in which agents of the Office of Special Investigations (OSI), acting in an undercover capacity, entered the United States from various countries in the Western Hemisphere using counterfeit documentation and fictitious identities. This work was initially undertaken at the request of the Senate Finance Committee and was continued at your request.¹ The purpose of our tests was to determine whether U. S. government officials conducting inspections at ports of entry would detect the counterfeit identification documents.

I am accompanied this morning by Ronald Malfi, Director for Investigations, and Special Agent Ramon Rodriguez.

In summary, we created counterfeit identification documents in order to establish fictitious identities for our agents by using off-the-shelf computer graphic software that is available to any purchaser. The agents entered the United States from Jamaica, Barbados, Mexico, and Canada using fictitious names, counterfeit driver's licenses and birth certificates. Bureau of Customs & Border Protection (BCBP)² staff never questioned the authenticity of the counterfeit documents, and our agents encountered no difficulty entering the country using them. On two occasions, BCBP staff did not ask for any identification when our agents entered the United States from Mexico and Canada. We have briefed BCBP officials on the results and methods of our work.

Background

Immigration regulations require that all persons who arrive at a U.S. port of entry be inspected by a government official. A U.S. citizen traveling from countries in the Western Hemisphere, such as those we visited for purposes

¹ Part of this work is described in our January 30, 2003, testimony before the Finance Committee entitled *Weaknesses in Screening Entrants into the United States* (GAO-03-138T).

² Pursuant to the Homeland Security Act of 2002, the inspection of people and goods functions of the Immigration and Naturalization Service (INS) and U.S. Customs Service were transferred to the Department of Homeland Security (DHS). On March 1, 2003, BCBP became an official agency of DHS, which includes the portions of INS and Customs that monitor individuals entering the United States. For purposes of describing our border crossings prior to the date that BCBP was established officially, we refer to staff formerly employed by INS and Customs as staff of BCBP.

of these tests, is not required to show a passport when entering the United States but is required to prove citizenship. BCBP accepts as proof of citizenship documents, such as a United States' state or federally issued birth certificate or a baptismal record, and photo identification such as a driver's license. However, since the law does not require that U.S. citizens who enter the United States from Western Hemisphere countries present documents to prove citizenship they are permitted to establish U.S. citizenship by oral statements alone.

Border Crossings

U.S. Border Crossing from Jamaica

Two of our agents traveling on one-way tickets from Jamaica arrived at an airport in the United States. After landing at the U.S. airport, the two agents proceeded to the immigration checkpoint and presented to BCBP immigration inspectors counterfeit driver's licenses in fictitious names along with fictitious birth certificates purportedly issued by two different states. One BCBP inspector asked one of the agents for his date of birth, and inquired about where and when the agent had obtained the birth certificate. The agent stated that he had obtained the birth certificate about 4 or 5 years earlier. A different BCBP inspector did not question the second agent. The BCBP inspectors did not recognize any of the documents presented as counterfeit and allowed the agents to enter the United States.

U.S. Border Crossing from Barbados

Barbados immigration officials provide visitors entering Barbados with a two-part immigration form to complete. They collect one part and return the second part to the visitor stamped with the date of entry into Barbados. Visitors are instructed to return the second part to immigration officials upon departing Barbados. In May 2003, two of our agents departed Barbados and provided Barbados immigration officials with unstamped immigration forms in fictitious names. Barbados officials accepted the forms without questioning why they were not stamped.

Two agents traveled on one-way tickets from Barbados and arrived at an airport in the United States. The two agents separately proceeded to the immigration checkpoint and were checked by the same BCBP immigration inspector. One agent was asked for his passport, and he responded that did not have one. The agent provided a fictitious birth certificate and a

Customs declaration form. The BCBP inspector reviewed the documents and asked for picture identification. In response to this request, the agent provided a counterfeit driver's license. The BCBP inspector then asked the agent several questions, reviewed the documents again, asked additional questions, and instructed the agent to proceed through Customs. The agent provided the BCBP customs officer with the Customs form and subsequently left the airport without any further scrutiny.

The second agent had a similar experience. The BCBP immigration inspector asked for a passport. The agent explained that he did not have one and provided a counterfeit birth certificate. The BCBP inspector then asked for picture identification and the agent offered to produce a driver's license. The BCBP inspector did not ask to see the driver's license but asked several questions and then instructed the agent to proceed to Customs. The agent turned in his Customs form to a Customs official and then left the airport without any further scrutiny.

The BCBP immigration inspector did not question any of the counterfeit documents.

U.S. Border Crossings from Mexico

On two occasions our agents crossed the border from Mexico into the United States. On one occasion, at a land border crossing, a BCBP immigration inspector asked our agent if he was a U.S. citizen and whether he had brought anything across the border from Mexico. After the agent responded that he was a U.S. citizen and that he was not bringing anything into the United States from Mexico, the inspector allowed him to proceed without requiring any proof of identity.

On a subsequent occasion at the same border crossing, two of our agents were asked for identification by separate BCBP inspectors. Both agents presented counterfeit driver's licenses and were allowed to cross into the United States.

U.S. Border Crossings from Canada

On three occasions our agents crossed the border from Canada into the United States. The first border crossing occurred when two agents entered the United States through a sea port of entry from Canada. On that occasion, the agents were not asked to show identification. On a subsequent occasion, two agents, driving a rented car with Canadian plates, using fictitious names and counterfeit documents, crossed the border into the United States at a Canadian border crossing. A BCBP

immigration inspector asked for identification and was provided the counterfeit documents. After the inspector reviewed the documents, the agents were allowed to cross the border.

During the Canadian land border crossing, the agents discovered a further potential security problem. A park straddles the U.S. and Canada at this border crossing. One of our agents was able to walk across this park into the United States from Canada without being stopped or questioned by any U.S. government official. Later, that agent walked back to Canada through this park without being inspected by Canadian authorities.

Conclusion

We recognize that weaknesses in inspection processes for entrants into the United States raise complex issues, and we are currently performing an evaluation of those processes, which will be reported to Congress in the coming months.³ Although BCBP inspects millions of people who enter the United States and detects thousands of individuals who attempt to enter illegally each year, the results of our work indicate that BCBP inspectors are not readily capable of detecting counterfeit identification documents. Further, people who enter the United States are not always asked to present identification. While current law does not require that U.S. Citizens who enter the U.S. from Western Hemisphere countries provide documentary proof of U.S. citizenship, this does provide an opportunity for individuals to enter the United States illegally.

Mr. Chairman, this completes my prepared statement. We will be pleased to respond to any questions you or other members of the committee may have at this time.

³ This evaluation of the inspection process is being performed pursuant to the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

Mr. HOSTETTLER. Mr. Beverly?

STATEMENT OF RODERICK L. BEVERLY, SPECIAL AGENT IN CHARGE, OFFICE OF INTERNATIONAL OPERATIONS, FEDERAL BUREAU OF INVESTIGATION

Mr. BEVERLY. Good afternoon, Mr. Chairman, Ranking Member Jackson Lee, and distinguished Members of the Subcommittee. Thank you for the opportunity to appear before you this afternoon.

Mr. Chairman, it is my understanding that the purpose of this hearing is to examine John Allen Muhammad's alleged document fraud activities in Antigua. The FBI appreciates the Subcommittee's interest and concern in this matter. Due to the pending prosecution of Mr. Muhammad for the D.C. area sniper attacks, however, the FBI is not at liberty to discuss the activities of Mr. Muhammad. Nevertheless, I understand that the Subcommittee would like for me to provide an overview of the FBI's Legal Attache or Legat Program.

The Office of International Operations directs the FBI's Legat Program which consists of 45 offices around the world. These Legal Attache Offices are staffed by 114 special agents and 75 support employees. By the end of 2003, we project that this will increase to 133 special agents and 83 support personnel with the opening of new offices in Abu Dhabi, United Arab Emirates; Kuala Lumpur, Malaysia; Sanaa, Yemen; Tbilisi, Georgia; and Tunis, Tunisia.

We are also in the process of reviewing the establishment of three sub-offices of existing Legats in Bonn, Germany; Milan, Italy; and Toronto, Canada. Legats Amman, Islamabad, Manila, Ottawa, Riyadh, and perhaps Cairo are being augmented with additional special agent and support personnel. Of the additional \$45 million appropriated for the support of the FBI counterterrorism mission overseas, approximately \$24 million was allocated for expansion of the Legat Program.

Each Legal Attache Office is an integral component of the country team in the United States Embassy where they are located. Pursuant to a Memorandum of Understanding, the Departments of State, Justice, and Treasury, Legat personnel report to the United States ambassadors in their roles as chiefs of mission. Legat personnel participate in the full range of country team duties, including Emergency Action Committees and the formulation of Mission Performance Plans.

Legat personnel work in close coordination with our counterparts in the Central Intelligence Agency abroad to, among other critical missions, prevent, mitigate, and investigate terrorist attacks on the United States interests abroad.

FBI Legats frequently advance mission goals and objectives by facilitating the delivery of a broad spectrum of training and technical assistance ranging from major case management to internal accountability systems to our foreign counterparts. During the past 5 years alone, Legats have been instrumental in facilitating the participation of 586 foreign students from 113 countries in the FBI's National Academy. Foreign National Academy alumni represent a high-value cadre of liaison contacts who are frequently of great assistance in advancing FBI investigations overseas.

Through the liaison established by our Legats, we were able to mobilize the investigative assistance of foreign governments without compromising their national security or sovereignty. This assistance benefits not only the FBI but other Federal agencies as well as State, country, and municipal law enforcement agencies. During the period fiscal year 2001 through 2002, the number of leads handled by Legats increased from 41,200 to 53,100 approximately. This is consistent with the trend in which Legat lead coverage steadily increased from 15,630 in fiscal year 1997 to 41,211 in fiscal year 2001. Legats further serve as the reciprocal point of contact for these countries to obtain investigative assistance in the United States through the FBI as well as State, county, and municipal law enforcement agencies.

Our Legat Program greatly enhances the capability of the United States Government to wage the war against terrorism as well as addressing the full range of criminal threats to the United States in an increasingly globalized world. In the aftermath of the September 11 attacks and throughout the following year, our Legats facilitated the rapid deployment of approximately 700 FBI personnel overseas. Their contributions to the rapid international deployment of FBI personnel in response to terrorist attacks on our embassies in East Africa, the bombing of the USS Cole in Yemen, and the October 12, 2002 bombing in Bali also dramatically demonstrate this capability.

While the FBI has no direct involvement in U.S. border security, in addition to our active participation with U.S. intelligence community and law enforcement partners abroad, the FBI as an agency and the Legat Program in particular works closely with the State's Consular Affairs Office and Homeland Security by being an active participant in border security initiatives such as the visa waiver program, the visa viper program, and related initiatives.

This concludes my prepared remarks. I would be happy to respond to any questions that you might have at this time.

Mr. HOSTETTLER. Thank you, Mr. Beverly.

[The prepared statement of Mr. Beverly follows:]

PREPARED STATEMENT OF RODERICK L. BEVERLY

Good morning, Mr. Chairman, Ranking Member Jackson Lee, and distinguished members of the Subcommittee. Thank you for the opportunity to appear before you this morning.

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million appropriated for the support of the FBI Counterterrorism mission overseas, approximately \$24 million was allocated for expansion of the Legat Program.

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While the FBI has no direct involvement in U.S. border security, in addition to our active participation with U.S. Intelligence Community and law enforcement partners abroad, the FBI as an agency, and the Legat program in particular works closely with State's Consular Affairs Office and Homeland Security by being an active participant in border security initiatives such as the visa waiver program, the visa viper program and related initiatives.

That concludes my prepared remarks. I would be pleased to respond to any questions the Subcommittee may have that relate to the FBI's Legat Program.

Mr. HOSTETTLER. Ms. Palmer-Royston?

STATEMENT OF SHARON PALMER-ROYSTON, CHIEF LEGAL OFFICER FOR PASSPORT SERVICE, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE

Ms. PALMER-ROYSTON. Mr. Chairman, Ms. Jackson Lee and Committee Members, thank you for inviting me to speak to this Committee about the exceptions to the general requirement that United States citizens carry a U.S. passport when entering and exiting the United States.

The requirements are as follows. The Immigration and Nationality Act of 1952, in Section 215, Travel Documentation of Aliens and Citizens, Subsection (b) Relating to U.S. Citizens, state that unless otherwise provided, it is unlawful for U.S. citizens to depart from or enter the United States unless they bear a valid U.S. passport.

General requirement—by regulation, the Secretary of State provided that U.S. citizens are excepted from this requirement in a

number of situations. The two major exceptions are when the U.S. citizen is traveling directly between parts of the United States and when traveling between the United States and any country, Territory, or island adjacent thereto in North, South, or Central America, excluding Cuba.

The other exceptions are for United States seamen and air crewmen carrying valid merchant mariner or air crew i.d., for members of the U.S. Armed Forces on active duty, for certain minor members of the household of foreign or United Nations official employees, for children under 12 years old who are included in a parent's foreign passport if they are otherwise able to prove U.S. citizenship, for U.S. citizens carrying a card of citizenship and identity issued by a U.S. Counsel at a foreign mission abroad, and for individuals specifically authorized by the Secretary of State, through appropriate channels—and this last exception is administered by officials at U.S. ports of entry.

That is how the passport requirement is organized today.

Thank you.

Mr. HOSTETTLER. Thank you, Ms. Palmer-Royston.

[The prepared statement of Ms. Palmer-Royston follows:]

PREPARED STATEMENT OF SHARON PALMER-ROYSTON

Mr. Chairman, Committee Members.

Thank you for inviting me to speak to this Committee about the exception to the general requirement that United States citizens carry a U.S. passport when entering and exiting the United States.

The requirements are as follows: The Immigration and Nationality Act of 1952 in Section 215, Travel Documentation of Aliens and Citizens, subsection (b) relating to U.S. citizens, states that, unless otherwise provided, it is unlawful for U.S. citizens to depart from or enter the United States unless they bear a valid U.S. passport.

By regulation, the Secretary of State provided that U.S. citizens are excepted from this requirement in a number of situations. The two major exceptions are when the U.S. citizen is traveling directly between parts of the United States; and, when traveling between the United States and any country, territory or island adjacent thereto, in North, South or Central America, excluding Cuba.

The other exceptions are for U.S. seamen and air crew carrying valid merchant mariner or air crew ID; for members of the U.S. armed forces on active duty; for certain minor members of the household of foreign or United Nations official employees; for children under 12 years old who are included in a parent's foreign passport if they are able to otherwise prove U.S. citizenship; for U.S. citizens carrying a card of citizenship and identity issued by a U.S. consul abroad; and, for individuals specifically authorized by the Secretary of State through appropriate official channels. The last exception is administered by officials at U.S. ports of entry.

Mr. HOSTETTLER. We will now move to questions. First of all, I have a question for Mr. Cramer. In your testimony, Mr. Cramer, you state that you and your agents created counterfeit driver's licenses and birth certificates which your agents successfully presented at various U.S. ports of entry.

How difficult was it for you to make these counterfeit documents, and could a private individual create a similar document?

Mr. CRAMER. It was simple and easy to create them. We did nothing different from what many young people do when they want to make counterfeit identification to get into a bar to drink. It is a very simple process. You go to Staples; you can buy the software. Most people have home computers; it can be done on a home computer.

Mr. HOSTETTLER. The hearing is being held to explore document fraud and the Western Hemisphere passport exception. What ef-

fect, Mr. Cramer, do you think the Western Hemisphere passport exception has on the ability of inspectors at the ports of entry to identify fraudulent documents?

Mr. CRAMER. I do not know that the exception itself has an effect on their ability to do it, except that if you have a passport, the inspectors need to be able to identify counterfeit passports, and it is much easier to be well-trained in detecting one kind of counterfeit document. For example, Secret Service agents are trained in detecting counterfeit currency, and because of that very particular specialized training that they have, they are able to do so virtually all of the time.

The types of documents that are presented to border inspectors are very large—birth certificates—as you mentioned earlier, there are thousands of different types of birth certificates in this country, and there are at least 50 different types of driver's licenses. It is very tough to train one person to be expert in detecting all of those types of identification.

So the fact that more than one kind of document is permissible just makes it much more difficult for the border inspectors.

Mr. HOSTETTLER. Very good. Is there any reason that a U.S. citizen—a citizen, mind you—would use an alias and/or counterfeit documents when returning to the United States at a port of entry? If so, why would they do that—why would citizens want to do that?

Mr. CRAMER. Well, fugitives, for example—there are many well-known fugitives from justice who may leave the country to flee justice and then want to enter the country to live quietly under an assumed name and enjoy the fruits of their crimes. So that is just one thing that pops into my mind immediately, that there are U.S. citizens who are fugitives who would love to be able to regain entry into the United States.

Mr. HOSTETTLER. Very good. Thank you.

Mr. Fuller, in the task force report, it states that, quote, "Muhammad would arrange for those who had purchased forged documents to fly to the U.S. on the return half of a ticket for a trip which originated in the U.S.A., thereby making it less suspicious to all concerned."

How would this scheme make a traveler with forged documents less suspicious?

Mr. FULLER. Well, I was amazed that Mr. Cramer's people got in on one-way tickets. I think it adds to the credibility of the passenger if he has the remains of a ticket that originated in the U.S. It adds to his credibility when presenting himself to your immigration officer—yes, I left Miami last week Thursday. I am an American. I am going back. I had a roundtrip ticket. I live in Kendall, Miami.

It has to do with the whole package that you are selling to the immigration officer—your accent, your documents, your return ticket—it all adds to the credibility of the person who is attempting to gain entry.

Mr. HOSTETTLER. As an aside, how would they come up with half of a—

Mr. FULLER. We were never able, really, to get to the bottom of that, and I suspect that Muhammad—Muhammad traveled to the U.S. nearly weekly, and we suspect that he bought tickets from the

U.S. to Antigua and return, under false names, and used the second half of those tickets to give to his clients, as it were.

Mr. HOSTETTLER. I see.

In describing the improvements that Antigua has instituted in response to the task force recommendations—it is an extensive training program aimed at airline counter clerks, immigration, and Customs officers and others—what does the training consist of?

Mr. FULLER. I have attended a couple of them myself. Your Immigration and Naturalization Services themselves and your Customs people actually visited Antigua and conducted seminars on how to detect forgeries looking at paper, different kinds of papers that are used—of course, they went through the passport thing, but the passport thing really is not an issue here—generally speaking, just trying to—for example, in Muhammad's own birth certificate that he used to get his Antigua passport, one of the lines alone was out-of-sync with the rest of the lines in the document—just generally trying to show the officials concerned what to look for, if there is something—in all the documents involved. And I think airline clerks were a very important aspect of it because they are obliged to check your identity documents before you get on the plane, because the airlines themselves bear a certain amount of responsibility, I understand, for allowing illegal immigrants to fly into the U.S.

So we had the airline clerks. We have instituted now a very boring but apparently very necessary system of having to present your documents before you get into the departure lounge, officials look at your documents—immigration officials—departure immigration officials, which is a real pain in the neck for travelers, but apparently necessary.

One of the things that we have also done is because Muhammad arrived in Antigua with fake documents, the arrival officials have gone through intense training on how to detect, or at least try to detect, documents.

The official records officers, because Muhammad was able to obtain a birth certificate, have been trained to be on the lookout for people trying to extract birth certificates for illegal purposes.

So it is really on the top of everyone's list because of course we were embarrassed by this man. This man used us, he used our systems, our weaknesses, just as he used yours, to further his activities. So we reacted very strongly to it, and hopefully we have done some good.

There was one point I wanted to make, by the way, while we are at it. One of the gentlemen—Muhammad did sell mostly to Jamaicans, but there was one Syrian-born gentleman who obtained documents from him, and the FBI, I understand—I saw the documents in their possession—they got him. I do not know whatever happened to him.

Thank you.

Mr. HOSTETTLER. Thank you, Mr. Fuller.

The chair now recognizes Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Mr. Fuller, reference was made to the new training procedures that have been put in place. Do you consider them successful, or how are they progressing?

Mr. FULLER. Well, successful is—I think that it is successful definitely in the sense that there is a heightened awareness amongst everyone involved, heightened awareness of the potentials for disaster in allowing people who are not the people they say they are to travel; potential for disaster to the good name of our country by allowing it to be a base from which people travel illegally, especially to the United States of America, given the current geopolitical atmosphere.

I think Muhammad, and because of the notoriety this gentleman has gained, it lent to our heightened sensibility of—from what was a sleepy little island in terms of these sorts of things to everyone suspecting everyone of walking with false documents, as they say.

Ms. JACKSON LEE. Well, you happen to be highlighted, as you have indicated, by the high-profile nature of the individual that we are speaking of—

Mr. FULLER. Yes.

Ms. JACKSON LEE.—and you are symbolic of the Caribbean. The question is, is this a widespread epidemic or pandemic in the Caribbean with respect to these kinds of documents.

Mr. FULLER. No, ma'am, no. There is no evidence whatsoever of that. In fact—although it is surprising because—it surprises me particularly—because one would have thought this was—everybody wants to go to America, you know, everybody wants to come to America, and if you just to Barbados, the United States Consulate in Bridgetown, Barbados, and the queues that go on for days and days and days just to get a visitor's visa. Everyone wants to come to America, and this is a very easy way of coming, and you would have thought that it would have been exploited a lot more than it has transpired to have been.

When I said 20, Muhammad did 20, that was a rough guess—estimate, okay? There is absolutely no factual evidence that he did 20. But talking to various witnesses and people who did not want to be named, et cetera, et cetera, we came up with 20, which was probably a pretty good figure. But there is no evidence either from anywhere else in Antigua or anywhere else in the Caribbean that I know of that this was going on. I think the penny never dropped except to your own citizen, Mr. Muhammad.

Ms. JACKSON LEE. Well, I think this is important for the record, and I appreciate it very much. We will continue to—

Mr. FULLER. And I think you for bringing it out, ma'am, for all of us in the Caribbean.

Ms. JACKSON LEE. And I thank you for your work as well.

Mr. Cramer, in the Committee's as well as your great work, we are trying to be corrective, and I noted a comment, "inspectors not readily to detect counterfeit documents." I think if we probe you on that, you must be suggesting or suggesting that because there are different types, you cannot get your eye tuned to one single type; is that what I understand you are saying?

Mr. CRAMER. Yes, that is part of it. Another part, though, is that for example, the driver's licenses that we created were not particularly sophisticated counterfeits. Most driver's licenses have holograms on them, and if you hold it up to the light, you can see the reflection of the hologram. We did not attempt to duplicate a hologram, so although the lines where the hologram would appear

were there, if you held it up to the light, it did not reflect. So anyone who had training in driver's license counterfeit detection would know right away that this was a counterfeit.

Ms. JACKSON LEE. Well, let me first of all thank you for the work that was done. I think it is important work. You come from a corrective mode, meaning you find out the information and you try to correct it. So with that in mind and with the backdrop of the relationships that the Caribbean, Mexico in particular, the whole tourist issue which is not your responsibility, but could we enhance the training of the inspectors and others focused toward the possibility of being able to, as you have just so aptly described, focus on the driver's license concept or the birth certificate concept, giving them enhanced training of those documents. As you well know, at the Southern border, we have the biometric card now, and those border patrol agents must be trained to eye those cards and to ensure that those are not going to be counterfeited, but we did it to avoid the abuse.

Can we provide the kind of training that would be of assistance to close the gap on what we are seeing at the borders?

Mr. CRAMER. I think there is no question that additional training for the inspectors at the border would be very helpful. Again, it is a big job, but certainly with respect to driver's licenses, it is a more limited universe than the birth certificates, and certainly some training would be very helpful.

Ms. JACKSON LEE. Mr. Chairman, I would like to ask unanimous consent for an additional 1 minute. I want to finish with Mr. Beverly and Ms. Palmer-Royston.

Mr. KING. [presiding.] Without objection.

Ms. JACKSON LEE. I thank you very much.

Mr. Beverly, let me thank you for your work, and I do want to note the various agents that were involved in this work, and I want them to know on the record how much we appreciate it and do not discount the work, because any way that we can avoid terrorist opportunities, we should applaud, and I thank you very much, Mr. Cramer, for the work.

Mr. Beverly, can you recall the kinds of documents, generally speaking, that the 19 terrorists that were the basis of the 9/11 attack, the general nature of the documents that they had?

Mr. BEVERLY. I cannot tell you with certainty what they were. I know they did have documents that had been altered or otherwise changed their identity, but having not worked it, I would rather err on the side of not commenting.

Ms. JACKSON LEE. You have no recollection that the bulk of them were legal documents?

Mr. BEVERLY. I do not.

Ms. JACKSON LEE. Okay. Well, my recollection is that they were. And do you have a comment on whether or not we have a situation where a great number of people may come in on legal documents as it relates to terrorists in the course of the work that you have been doing?

Mr. BEVERLY. Certainly, there is—we work very closely with the Department of State. The Department of State, of course, takes care of their own internal examination of fraudulent documents, but we work very closely on a daily basis from embassy to embassy

to try to identify people that their suspicions are raised about. And we do that through trying to check local criminal records checks or otherwise dealing with our counterparts in local law enforcement or intelligence services to try to work together to make sure we identify that these people are who they say they are before they ever set out to come to the United States.

Ms. JACKSON LEE. Do you have any idea of how difficult it would be for a terrorist organization to get a passport—individuals to get a U.S. passport?

Mr. BEVERLY. I think it depends on where you got the passport from. I know that there are certain countries out there that exercise a lot more strict control over the blank passports and applications than others—and when I say that, I am talking mostly about probably some of the countries that are—or, otherwise countries outside the United States or aside from the United States.

Ms. JACKSON LEE. So it would range from very difficult to possibly easy?

Mr. BEVERLY. We know, for example, of certain countries in which they have lost or are otherwise unable to account for blank passports, and any time you have that type of situation present, obviously, that facilitates the production and taking that to somebody and making it into a forged passport or altered passport.

Ms. JACKSON LEE. And that would be U.S. passports that you are talking about?

Mr. BEVERLY. That would not be U.S. passports.

Ms. JACKSON LEE. How easy would it be to get U.S. passports?

Mr. BEVERLY. I really, not being familiar with what the internal requirements are for Department State, I think I would defer that to my colleague here.

Ms. JACKSON LEE. Let me—and Mr. Fuller, I see my time is running out, and I want to finish with Ms. Palmer-Royston, and I thank her for being here.

I just want to find out—you have recounted for us that the Secretary sets exemptions, and we appreciate the study and the work that the State Department does to establish these exemptions. I know it is not easy work. I assume you review this regularly—these exemptions that are given—do you? Does the State Department review the exemptions regularly?

Ms. PALMER-ROYSTON. The regulation has been in place since 1966, but of course, we are certainly aware of the provisions in the regulations and—

Ms. JACKSON LEE. Do you know if they are done by statutory law, or are these done by internal regulations, administrative law?

Ms. PALMER-ROYSTON. The statute simply states that there is a general passport requirements, and the regulations are the Secretary of State's regulatory exemptions, so the exemptions belong to the Secretary of State's authority to control them.

Ms. JACKSON LEE. If the Secretary decides to issue a regulation that would eliminate the current passport exemptions for the United States, will the changes be announced, then, in proposed regulatory changes?

Ms. PALMER-ROYSTON. All our regulations would be, unless they were very perfunctory—and this certainly would not be a perfunctory change in the regulation—these regulations would be proposed

and published in The Federal Register for comment; there would be a comment period, and we would receive the comments, consider them, and then, ultimately, a final regulation would be promulgated by the Secretary.

Ms. JACKSON LEE. And finally, would you expect the Secretary to—what factors would you expect the Secretary to consider if the Secretary determined to propose such regulatory change?

Ms. PALMER-ROYSTON. Mainly, they certainly would not be legal questions that he would have to consider. That is a big change from present situation, from the present documentary regime, and it would be certainly an interagency question that would have very broad considerations, and it is not—as I said, I am the lawyer—it is not a legal question, but it would, I am certain, have lots and lots of financial, policy, other kinds of—

Ms. JACKSON LEE. Magnitude might be an issue, the magnitude of the—

Ms. PALMER-ROYSTON. It is a big change; it would be a big change.

Ms. JACKSON LEE. Yes, but magnitude of the problem might be a consideration that they might look at.

Ms. PALMER-ROYSTON. I agree.

Ms. JACKSON LEE. Mr. Chairman, Mr. Fuller had his hand up; I do not want to take advantage. I do not know if he is trying to comment on the last comment; if you would indulge Mr. Fuller.

Mr. HOSTETTLER. Yes.

Ms. JACKSON LEE. I thank the witnesses.

Mr. FULLER. Thank you, ma'am. You asked how easy it was to get a U.S. passport.

Ms. JACKSON LEE. Yes.

Mr. FULLER. But in our investigations, a side issue was thrown up. An acquaintance of Muhammad did get a U.S. passport in New York. He was an American citizen. Something happened to his original passport. He got another one using false documents in a very short period of time. Apparently, he is in custody now pending trial for that. But whilst his passport was still extant, he obtained another one, even in his own name.

Ms. JACKSON LEE. In the United States or when he was out of the country?

Mr. FULLER. In New York, in New York, ma'am. So it is not just everywhere else that does this.

Ms. JACKSON LEE. We thank you for that.

Thank you very much, Mr. Chairman.

Thank you, Mr. Fuller.

Mr. HOSTETTLER. Thank you, Ms. Jackson Lee.

The chair now recognizes the gentleman from Iowa, Mr. King, and appreciates his work in the chair while I was absent.

Ms. JACKSON LEE. I do as well. Thank you, Mr. King.

Mr. KING. It was a piece of work, I know, but thank you. Thank you, Mr. Chairman.

I have a series of questions here that have accumulated throughout this hearing. I would ask this of the panel—about how many passports have been issued in the United States—does anyone know the answer to that?

Ms. PALMER-ROYSTON. We issue approximately 7 million-plus each year currently.

Mr. KING. So the total passport-holders in the country, that accumulates?

Ms. PALMER-ROYSTON. A normal passport for an adult is valid for 10 years. I think it is about 50 million approximately—I am trying to recall from—

Mr. KING. Okay. So if 10 percent of our population had passports, that would be about 28 million, then.

What percentage of the American population travels overseas; do you know that?

Ms. PALMER-ROYSTON. That I don't know.

Mr. KING. I am just trying to get a handle here on the magnitude of this—if we were to take some steps to require utilization of the passport as a means to secure our borders, what would be the magnitude of that approach.

Then, Mr. Cramer, as you testified, your agents entered the country a series of times, and I do not remember exactly how many different entry points or how many different entries there were, but I did not hear you say specifically was there ever a rejection of an entry of any agent for any reason?

Mr. CRAMER. No, there was never a rejection. They were always successful in entering the country with their counterfeit documents.

Mr. KING. Then, under what circumstances would there be a rejection of the entry? Is there some history of that in the knowledge of yourself or anyone else on the panel?

Mr. CRAMER. I do not have any specific knowledge, but if the inspector were to pick up on the fact that this was a counterfeit birth certificate or driver's license that was presented, it is my understanding that the traveler would then be sent to a secondary inspection at which more intensive questioning and investigation would take place. Where it would go from there, I do not know, though.

Mr. KING. And that investigation might include going back to the source of the document and determining if that had been legitimately issued from that source, which could be a birth certificate or a passport.

Under the circumstances that we are faced with, with potentially 50,000 different varieties of documents or whatever that number is, would it be possible to train a single agent, let alone every agent, to identify those documents and be able to use that as a means to even improve our border security?

Mr. CRAMER. I think it would be very difficult to train individual inspectors and give them the expertise needed to be able to detect counterfeits of all the different types of documents that are currently acceptable.

Mr. KING. Okay. And I think we should have consensus on that, and so that takes us, then, to if this Nation is interested in securing its borders, which I certainly support, then the method by which we would use—what would you recommend, what would give us maximum security—if we decided that this is essential from a national security standpoint to have secure borders from an inspection perspective with regard to documentation, what would be an ideal system?

Mr. CRAMER. I cannot really speak to that because that goes beyond the scope of what we did. I know that GAO is doing some work now on processes, and I do not know if that will even deal with that question. But that is really beyond the scope of what I am qualified to speak to.

Mr. KING. Thank you, Mr. Cramer.

Mr. BEVERLY, would you have an opinion on that?

Mr. BEVERLY. If I had an opinion, it would be more or less a personal one, because our primary competence obviously is not passports and visas. But there needs to be a balance struck between security and convenience, and I have lived in other countries that had national i.d. cards where obviously, that would be, from the investigator's standpoint, probably preferred, because you would have one specific item that you would be dealing with that would be hard to copy or otherwise; it would be easier probably to train your people as to what to look for. But having said that, that would be a giant step away from the ease with which we travel and the convenience that people are used to, and I do not say that I advocate either one or the other, but I think that would be a facilitator.

Mr. KING. It would also be fair to say that technology has far surpassed our policy, that it has evolved more quickly than our policy as with regard to the Western Hemisphere. So I will just make this speculation, then, that first, we should start out with what would be the ideal system and then figure out how to back it down to practical, as opposed to have this system that has this multitude of different documents and allows most anything and everything to serve as documents that allow entry into the United States.

So I would just say that if we had a single document, whether it be a passport—that would be the ideal, I think, at this point—a single document that had maybe a bar code on it that could be indexed back to a database system that could identify the source of the document and the viability of that particular document, I would speculate that that would take us a long way toward getting to the security that we would like to have.

Would you agree with that, Mr. Cramer?

Mr. CRAMER. There is something that I think we should all be aware of, which is that the law does not actually require that a U.S. citizen entering the United States from a Western Hemisphere country produce any identification document. One can prove one's citizenship by oral statement alone, and of course, it is up to the judgment, the good judgment and discretion, of the border inspectors whether that is sufficient. But in fact when our people came in without showing any identification, that was perfectly legal. The border inspector must have determined that there was no reason to go further with the inquiry.

Mr. KING. What this panel has not examined is the immigration access policy of all countries in the Western Hemisphere. We would need to examine all of those countries in order to even look and see how the secondary impact is on the United States.

So if there are countries in the Western Hemisphere that say, "We do not require any documents, and you can come and go as you please," those people who can come into those countries then would have access under these conditions that you have laid out

here in this panel, so that essentially, if the world knows it, is an open gate into the United States of America.

Thank you very much. I appreciate your response to these questions.

Thank you, Mr. Chairman. I yield back.

Mr. H OSTETTLER . I thank the gentleman.

We will now enter a second round of questions.

I have a question with regard to the perspective of time. Ms. Palmer-Royston, do you know —the INA was passed, put into law, in 1952—how long has this particular exception, regulation, been in place that includes the exception for Western Hemisphere countries?

Ms. PALMER -ROYSTON. Yes. This regulation was promulgated in 1966.

Mr. H OSTETTLER . Nineteen sixty-six.

Ms. PALMER -ROYSTON. Yes.

Mr. H OSTETTLER . So it has been a long time that we have been operating in this situation with such —

Ms. PALMER -ROYSTON. Yes, that is correct.

Mr. H OSTETTLER . So the notion that a new era might begin whereby passports, some form of identification, would be required would be—it would be an era where we are not familiar with what it would bring. How much institutional memory do you think there is in the State Department between 1952 and 1966 with regard to when this exception was not —and I do not want to make anyone give their birthday out here.

